
Environment Committee

HB 2326

Brief Description: Protecting air quality that is impacted by high emitting solid fuel burning devices.

Sponsors: Representatives Jinkins, Ladenburg, Darneille, Fitzgibbon, Upthegrove, Seaquist, Moscoso, Green, Kagi, Billig, Tharinger, Pollet, Wylie, Reykdal, McCoy, Eddy, Hunt and Lytton.

Brief Summary of Bill

- Authorizes the Department of Ecology or a local air pollution control authority to call a first stage of impaired air quality, as well as a second stage of impaired air quality, at a level below the federal standard.
- Allows the Department of Ecology or a local air pollution control authority to prohibit the use of fireplaces in areas of nonattainment for fine particulate matter, if needed to meet federal requirements as a contingency measure in a state implementation plan.
- Allows a city, county, or local health department to assist with enforcement of a prohibition on the use of solid fuel burning devices in a nonattainment area.
- Adds new definitions for terms used in the section of law related to limitations on the use of solid fuel burning devices.

Hearing Date: 1/17/12

Staff: Anna Jackson (786-7194).

Background:

Clean Air Act Emissions Standards.

The federal Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set air quality standards for certain pollutants that harm public health and the environment. One of

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those pollutants is fine particulate matter. In Washington, wood smoke has been identified as a major source of fine particulate matter that can negatively affect air quality standards in an area.

The EPA may designate an area as an area of nonattainment if there is a pattern of failure to reach and maintain air quality standards over a period of time. When an area is designated as a nonattainment area, the state in which the area is located must submit a plan to reach attainment. This designation can cause additional requirements for all sources emitting fine particulate matter, including industrial and household sources.

Burn Bans.

In Washington, the Department of Ecology (Ecology) or the local air pollution control authority may impose a burn ban for an area of nonattainment when it forecasts that fine particulate pollution levels will exceed the federal 24 hour standard of 35 micrograms per cubic meter. Burn bans are tiered, so Ecology or the local air pollution control authority will typically first call a Stage One burn ban. If a first stage of impaired air quality has been in force and has not achieved sufficient reductions, and a forecast is made that fine particulate pollution levels will exceed the federal 24 hour standard of 25 micrograms per cubic meter, a Stage Two burn ban may be called. Under certain circumstances, Ecology or the local air pollution control authority may call a Stage Two burn ban without first calling a Stage One burn ban.

Solid Fuel Burning Devices.

Washington's Clean Air Act (CAA) contains laws about wood stoves and fireplaces, both of which are captured under the term "solid fuel burning device." A solid fuel burning device is defined as any device for burning wood, coal, or any other nongaseous and nonliquid fuel, including a woodstove and fireplace [RCW 70.94.453(5)]. Prohibitions exist on burning a number of materials in a solid fuel burning device, including any substance, other than properly seasoned fuel wood, that emits dense smoke or obnoxious odors. To achieve and maintain attainment in areas of nonattainment for fine particulates under federal law, Ecology or the local air pollution control authority may prohibit the use of solid fuel burning devices, except for fireplaces, woodstoves meeting standards in state law, and pellet stoves.

Prior to prohibiting the use of solid fuel burning devices, Ecology or the local air pollution control authority must seek input from the affected local government, make written findings, and meet other requirements. Ecology or the local air pollution control authority has sole authority for enforcing the prohibition.

Summary of Bill:

First and Second Stage Burn Bans.

The thresholds for when Ecology or a local air pollution control authority may call a first and second stage burn ban due to impaired air quality in a nonattainment area are lowered. A first stage of impaired air quality in a nonattainment area is reached when forecasted meteorological conditions are predicted to cause fine particulate levels to reach or exceed 85 percent of the national ambient air quality standard for fine particulates, measured on a 24 hour average, within 72 hours.

The threshold for reaching a second stage of impaired air quality is lowered to when the ambient level of fine particulates is at 70 percent of the national ambient air quality standard. Ecology or the local air pollution control authority may call a second stage burn ban without first calling a first stage burn ban when, in addition to meeting other requirements, meteorological conditions are predicted to cause fine particulate levels to reach or exceed 85 percent of the national ambient air quality standard, measured on a 24 hour average, within 24 hours.

Prohibitions on the Use of Solid Fuel Burning Devices.

Ecology or a local air pollution control authority may prohibit the use of fireplaces in areas of nonattainment for fine particulate matter, if needed to meet federal requirements as a contingency measure in a state implementation plan.

A city, county, or local health department may agree to assist Ecology or a local air pollution control authority with enforcement of a prohibition on the use of solid fuel burning devices in a nonattainment area.

"Seasoned fuel wood" is defined as firewood for use in a solid fuel burning device that has a moisture content of no more than 20 percent.

"Prohibit the use" or "prohibition" are defined as the ability for Ecology or a local air pollution control authority to include requiring disclosure, removal, rendering inoperable, providing evidence of destruction, or other similar requirements approved by rule.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.